

NEW JERSEY  
OFFICE OF STATE PLANNING



# Cross-Acceptance Manual

May 27, 1988

State  
Development  
AND  
Redevelopment  
Plan

# NEW JERSEY STATE PLANNING COMMISSION



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# **CROSS-ACCEPTANCE MANUAL**

## **ERRATA**

**December 1, 1988**

1. Table of Contents

Delete page number of Appendix

2. Pages 24, 27, 33, 34, 45, 46

Substitute "Preliminary Cross-Acceptance Map" for "Preliminary Plan Map".

3. Page 24

- a. Substitute "No later than Day 150" for "No later than Day 120". (Make appropriate change on Page 27)
- b. Substitute "Bart 2.4" for "Part 2.5"

4. Page 25

- a. Insert "adjoining counties," after "Prepare and distribute to the Office of State Planning, ...."
- b. Substitute "Part 2-4, Section I-V" for Part 2.5<sub>f</sub> Section I-V".
- c. Substitute "Part 2.5, Section 21" for "Part **2jts**, Section X"-

5. Page 26

- a. Insert "adjoining counties,"<sup>11</sup> after "•••• and is submitted to the State Planning Omission,"
- b. Substitute "part 2.4" for "part 2.5".

6. Page 27

Insert "Adjoining Counties,"<sup>11</sup> after "Submit Final Cross-Acceptance Report to State Planning Commission. . . "

7. Page 32

- a. Delete entire first sentence under Deadlines and Distribution.
- b. Substitute "Sections I-V" for "Section I-IV"
- c. Substitute "(Section S)" for "(Section V)".

8. Page 34

- a. Insert "Section V, GKOWIH IEVEL ANALYSIS" after Section IV.
- b. Change Section V to Section 32.

9. Page 36

Delete entire last sentence.

10. Page 46

- a. In B.I, delete the words "in red"<sup>1</sup>.
- b. In B.2, delete the word "interim"\*
- c. In B.2, substitute a corona for the word "and" after "corridor centers" and insert "and hamlets" after "villages".
- d. Add the following sentence at end of B.2: "These delineations must conform with the analysis in Section V."

11. After Page 46

Insert New Section V., (53CWIH U<sup>^</sup>TET. MJ&TVSTR as new page number 47. (See Attached)

12. Page 47.

Change page number to 40.

13. Page 48

- a. Insert •^Municipal reports should also be submitted to the negotiating entity for the county and to each adjoining municipality". – as the final sentence.
- b. Change page number to 51 •

14. Page 49

Delete page number.

15. Glossary

- a. Substitute "Preliminary Cross-Acceptance Map" for "Preliminary Plan Map".

## **Section V. GROWTH LEVEL ANALYSIS**

The Plan provides projected levels of population and employment growth for each county and region in the State. The regions are general delineations of housing market areas, using county boundaries as the lowest level of delineation. (See accompanying chart) .

The Plan recognizes that some committees may want more growth than is projected and others may want less growth. The Plan recommends that each county work with its municipalities during cross-acceptance. They should determine together if they can or should accommodate the Plan's projected growth, and, if not, decide the level of growth they would "prefer." In this respect, the counties are nsfred during cross-acceptance to identify sufficient amounts of developable land at appropriate densities and locations, vis-à-vis the Plan, to meet the appropriate level of growth. These amounts should be sufficient also to prevent monopoly land markets and to allow a reasonable degree of market choice. The location, intensities and other characteristics of growth specified should conform with Plan strategies and policies as they are negotiated during cross-acceptance.

**Perform the following exercises:**

**1. State if the Plan's projected level of growth for the county is reasonable.**

**a. If so — show how it will be accommodated in accordance with Plan strategies and policies,**  
regarding land use, housing, economic  
development, transportation, natural resource  
conservation, etc. Delineate vacant developable  
land within existing and new growth areas, and  
the urban boundaries around existing towns, new  
corridor centers, villages and hamlets (oust  
conform with the napping exercise in Section IV) .  
Indicate appropriate densities within these areas  
to accommodate the projected growth levels.

b. If not — state the bases for this determination and  
identify the locally preferred level (more or less than  
that shown on the chart) and how it would be accommodated  
in accordance with Plan strategies and policies 2.

Estimate, to the extent practicable, the cost of any  
additional infrastructure necessary to accommodate  
the  
level of growth identified in 1, a. or b. above.  
indicate the anticipated funding or these costs, e.g.  
state, county, municipal or private.



FKELIMINKRY PORJIATKW AND EMPLOYMENT FRCJECTIONS\*

<u>Region</u>	<u>1985 POPULATION</u>	<u>ADDITIONAL POPULATION (1985-2010)</u>	<u>2010 TOTAL POPULATION</u>	<u>1988 EMPLOYMENT</u>	<u>ADDITIONAL EMPLOYMENT (1988-2010)</u>	<u>2010*** TOTAL EMPLOYMENT</u>
<b>NORTHEAST</b>		14,800			157,000	
Bergen	841,200	62,800	904,000	454,800	127,900	582,700
Hudson	555,900	-48,600	507,300	233,200	5,700	238,900
Passaic	461,400	600	462,000	204,800	23,400	228,200
<b>NORTHWEST</b>		169,400			213,600	
Essex	845,700	-83,400	762,300	397,400	18,100	415,500
Morris	417,100	153,400	570,500	241,800	131,700	373,500
Sussex	119,600	66,100	185,700	29,800	14,700	44,500
Union	506,700	33,300	540,000	297,800	49,100	346,900
<b>WEST CENTRAL</b>		295,100			213,300	
Hunterdon	92,800	38,200	131,000	34,100	15,700	49,800
Middlesex	626,700	165,100	791,800	335,900	125,600	461,500
Somerset	210,300	75,100	285,400	124,500	62,700	187,200
Warren	85,200	16,700	101,900	32,500	9,300	41,800
<b>EAST CENTRAL</b>		265,600			135,500	
Morrmouth	530,900	99,700	630,600	201,800	81,600	238,400
Ocean	380,000	165,900	545,900	102,600	53,900	156,500
<b>SOUTHWEST</b>		452,000			243,300	
Burlington	380,100	141,200	521,300	137,000	60,200	197,200
Camden	488,100	128,600	616,700	211,200	86,600	297,800
Gloucester	207,100	70,300	277,400	65,900	25,100	91,000
Mercer	317,700	111,900	429,600	186,800	71,400	258,200
<b>SOUTH-SOUTHWEST</b>		136,700			65,900	
Atlantic	205,100	78,100	283,200	129,900	41,700	171,600
Cape May	90,600	35,700	126,300	32,800	6,900	39,700
Cumberland	134,900	15,000	149,900	55,300	11,700	67,000
Salem	65,200	7,900	73,100	27,600	5,600	33,200
<b>TOTAL</b>	<b>7,562,300</b>	<b>1,333,600</b>	<b>8,895,900</b>	<b>3,537,500</b>	<b>1,028,700**</b>	<b>4,566,200</b>

\* These projections were provided by the New Jersey Department of labor and do not necessarily reflect Plan growth objectives (Targets). Plan Targets will be formulated after Cross-Acceptance.

\*\* The total for this column is 100 jobs less than the total displayed due to rounding.

\*\*\* Brpelynent projections were provided ty the Department of labor in a letter dated June 4, 1987. More recent projections of employment to the Year 2010 are not available.

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## **PREFACE**

The State Planning Act recognizes the importance and interdependence of planning among municipal, county, regional and State agencies and legislative bodies. It also recognizes the need for their participation in preparing the State Development and Redevelopment Plan. The method which provides for participation is called cross-acceptance. As defined in the Act:

The term cross-acceptance means a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and State Plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance.

The purpose of this manual is to guide participants through the cross-acceptance process\* In so doing the manual lays out the expected role of each participant, the expected product of cross-acceptance and provides specific instructions for negotiating entities to complete a cross-acceptance report. However, meaningful participation in cross-acceptance will require that in addition to this manual, the Gross-Acceptance Rule (N.J.A.C. 17:32), the State Planning Act (N.J.S.A. 52:18a-196 et. seq.) and the Preliminary State Development and Redevelopment Plan be read.

# Chapter One

## The Cross-Acceptance Process

## 1.1 INTRODDCTTCK

Shanks to economic growth, today's New Jersey has sore jobs, better shopping and better housing than ever before.

Unfortunately, New Jersey is also experiencing other, less desirable consequences of growth – like more traffic congestion, more pollution and more garbage. Farmland is diminishing and property taxes are going higher.

Alarmed at the prospect of more unplanned growth and development, New Jersey residents and businesses have agreed that something must be done to ensure that new development does not destroy our state's best assets – its roads and job opportunities, its small towns and countryside.

The New Jersey State Planning Commission was created in 1986 when the Legislature and Governor Kean approved the State Planning Act. The Commission is required by the Act to prepare a State Development and Redevelopment Plan which will:

- o conserve the natural resources of the State
- o revitalize the State's urban centers
- o protect the quality of the environment
- o provide needed housing at a reasonable cost
- o provide adequate public services at a reasonable cost

- o promote beneficial economic growth, development and renewal
- o preserve and enhance the historic, cultural and recreational lands and structures in the State
- o ensure sound and integrated statewide planning coordinated with local and regional planning.

Ohe Commission, with the municipalities and the counties, will be preparing the State Plan – a plan that will ensure our continuing prosperity while protecting our quality of life. This plan will provide for the needs of New Jersey residents – less traffic, job opportunities nearer to home, a cleaner environment, affordable housing and revitalized urban areas. Best of all, the plan will protect our state's economic well-being through wise utilization of our resources. As a result, New Jersey will remain attractive to employers.

Resource management is something which corporate leaders enthusiastically undertake in their own businesses. Likewise, no business wants to operate in a state where the cities are in economic and social disarray, where the highways are becoming snarled with traffic, where jobs are at one end of those highways and expensive residences at the other, and where low and middle-income workers cannot afford adequate housing. *The* State Planning Commission will be applying "resource management" principles to statewide growth management.

The State Plan's growth management system responds to the State Planning Act's mandate on growth and limited growth areas by utilizing a set of seven subareas or tiers. The tier system arranges the State's social, economic and ecological structure into management categories. The categories are designed to achieve the Plan's goals and objectives as units of plan implementation.

The State's growth area consists of four tiers which constitute the urban and suburban areas. The limited growth area consists of three tiers which contain natural resources deserving protection and areas identified as environmentally sensitive.

Because planning profoundly affects the lives of all residents, the Commission will be making planning decisions in full consultation with local and county authorities.

Municipalities and counties will receive and review the Preliminary State Plan and are strongly urged to participate in a cross-acceptance process. Cross-acceptance, which is the process of comparing various governmental planning policies, is at the heart of the state planning process. Cross-acceptance is important because it is the process through which municipal, county and state land use and growth policies will be made compatible, not by state imposition, but rather through negotiation and cooperation.

## 1.2 PART I: THE STATE PLANNING ACT AND THE OFFICE OF STATE PLANNING

### State Planning Commission and the Office of State Planning

The State Planning Act established the State Planning Commission and an Office of State Planning in the Department of the Treasury to develop a State Development and Redevelopment Plan. Among the responsibilities mentioned in the Act are: preparation of the draft Preliminary and draft final Plan; administration of the cross-acceptance process; provision of technical assistance; and adoption of the State Development and Redevelopment Plan.

### Legislature

The State Planning Commission recognizes the important role that the New Jersey Senate and General Assembly has in the state planning process. One Commission encourages the Legislature to give due consideration to the draft Preliminary, and draft final Plan, and to the issues raised therein.

While the State Planning Act specifies a review process for counties, municipalities and the public, it did not enunciate a process for review and comment by the Legislature. A Legislative review process has been established to ensure coordination and cooperation in the preparation of the Plan among the members of the State Senate and the General Assembly and their staffs, the State Planning Commission and the Office of State Planning. Each member of the New Jersey Legislature received the draft



Preliminary, and will receive the Preliminary, the draft final and the adopted State Development and Redevelopment Plan. After the Commission approves the Preliminary Plan, at-least one information meeting on the Plan will be scheduled before the Legislature. Following the preparation of a draft final Plan, the Commission will hold at least one meeting with the legislature on the draft final Plan. !Throughout the period of cross-acceptance, comments and suggestions offered by legislators will be considered by the Commission.

### State Agencies

For county and municipal governments, the State Planning Act established cross-acceptance as the vehicle for achieving consistency and compatibility between the State Development and Redevelopment Plan and locals plans. There is no parallel process prescribed in the Act for established consistency and compatibility with other State agency plans. Nonetheless, the Act's requirement to "coordinate planning activities and establish statewide planning objectives..." is meaningful only if ether State agency plans and actions affecting land use and development are compatible with the State Development and Redevelopment Plan.

Sane State agencies are directly represented on the State Planning Commission, but others are not. A State agency review process has been established to ensure coordination and cooperation among all State agencies in the preparation of the Plan. On January 30, 1988, the State Planning

Commission authorized the Office of State Planning to distribute copies of the draft Preliminary State Development and Redevelopment Plan to each of the functional state agencies. Within forty-five days after receipt of the draft Preliminary State Development and Redevelopment Plan, each functional State agency transmitted to the Office of State Planning comments about, and recommendations for amendments to, the draft. These comments and recommendations, along with those received from the general public, were considered by the State Planning Commission in preparing the Preliminary Plan.

#### Counties

Following its approval by the State Planning Commission, copies of the Preliminary Plan are distributed to each county, municipality, and regional planning agency. Copies of the Preliminary Plan are also made available to the public and to other interested parties.

In conjunction with the Plan's distribution, the Office of State Planning will transmit to each county a request for either a Notice of Participation or a Notice of Waiver. A Notice of Participation is a duly adopted resolution of a county governing body authorizing participation of the county as the "negotiating entity" in the cross-acceptance process. A Notice of Waiver is a duly adopted resolution of the county governing body stating its intent to forfeit and waive its statutory authority to participate in cross-acceptance. Notices of participation or waiver will be transmitted

by each county to the Office of State Planning no later than forty-five (45) days after release of the Preliminary State Development and Redevelopment Plan.

In the event that a county transmits a Notice of Waiver, or fails to transmit a Notice of Participation, the State Planning Commission will designate a negotiating entity for cross-acceptance for each such county.

Each participating county or negotiating entity will undertake a six month review of their own development plans and regulations as well as those of the municipalities within their jurisdiction as they relate to the State Plan. The result of this review process will be a cross-acceptance report (see Chapter Two), to be submitted to the State Planning Commission. It will provide an analysis of the relative compatibility or incompatibility existing among the State, county and municipal plans.

The local perspectives of the county and municipal cross-acceptance process will further define the Preliminary Plan. From cross-acceptance, a draft final State Development and Redevelopment Plan will be prepared. The county and municipal cross-acceptance process will also establish an agenda for resolving differences between State and local plans and policies as the State's planning process continues through subsequent updates of the Plan.

### Municipalities

Municipalities are required to participate in the cross-acceptance process. They must provide to the county (or other designated entity) a current copy of all master plans, land development regulations, and other

information required for the comparison of plans and programs as specified for the county cross-acceptance report. Municipalities are also required to provide official representation during cross-acceptance negotiations. They are encouraged to assist and to seek assistance from the county and the Office of State Planning throughout the planning process.

Each municipality has the right to file a separate municipal cross-acceptance report (see Chapter Two) with the State Planning Commission in the event that it is not satisfied with the report filed by the county. The municipal report must be filed not later than 30 days after the county report is filed with the State Planning Commission. Should a municipality fail to participate in the process, the municipality is deemed to have concurred with the final county report and to have waived its right under the State Planning Act to file a separate report.

#### General Public

Numerous opportunities for public participation will occur prior to and during cross-acceptance. There will be at a minimum:

Three public presentations of the draft Preliminary Plan; Twenty-one public informational meetings – one in each county; - Public participation as outlined in each county's cross-acceptance work program;

A public hearing in each county on its cross-acceptance report/and  
At least six public hearings on the draft final State Development and Redevelopment Plan.

Throughout the cross-acceptance process, the public may file comments directly with the State Planning Commission.

Perhaps the most important opportunity for participation comes during the first six months following the release of the Preliminary Plan. But is when negotiating entities will be preparing the cross-acceptance report. It is incumbent on each negotiating entity/ whether a county or otherwise, to develop and implement a public information program that will provide ample opportunity for an open and informed discussion of the Plan. Each public information program is subject to the approval of the State Planning Commission.

### 1,3 CRAFTING THE FINAL PLAN

The cross-acceptance process is regarded by the State Planning Commission as part of the planning process not part of the implementation process. Cross-acceptance is a process which is unique to New Jersey; therefore, it is difficult to anticipate how long it will take. The State Planning Commission expects the process to take between 12 and 15 months from the date the Preliminary Plan is released. Cross-acceptance will be completed 30 days after the last of the six public hearings held by the State Planning Commission prior to adoption of the final State Development and Redevelopment Plan.

It is during this 12 to 15 month time period that the Preliminary Plan will evolve toward the final Plan. As cross-acceptance spans this time period it will pass through three phases:

Phase I - Preparation of the cross-acceptance report. Phase II - Negotiations among the parties concerned. Phase III - Resolution of issues and preparation of the final State Development and Redevelopment Plan.

Phase I will center around the counties/negotiating entities as they conduct a cross-comparison of the State Plan with county and municipal plans, maps and regulations. This six month exercise will involve county officials, municipal officials and the general public in a dialogue that will result in a report, prepared by the county/negotiating entity, in the format found in Chapter Two. This report, which is forwarded to the State

Planning Commission, will be a description of the overall agreement/disagreement and compatibility/incompatibility of the county and municipal plans and regulations with each other and with the Preliminary Plan. !The report can also contain recommendations for changes in the State Plan, proposed legislation or programs, or proposals for future studies. She objective of this first phase is to collect enough substantive information to start the dialogue necessary for the start of Hiase U and the formulation of the draft final Plan.

Phases II and IH will cover the remaining six to nine months. Phase U will begin with the formulation of a report by the Office of State Planning to the State Planning Commission. This report will be based on the 21 county reports and any municipal reports and will include proposed revisions, if any, to the Preliminary Plan and Map and summarize the findings, recommendations and objections contained in the county/municipal reports.

The staff report will also include recommendations for amendments to the provisions and maps of the Preliminary Plan and will describe any provision of existing state law, on the absence thereof, that poses an obstacle to achieving compatibility between state, county and municipal plans. It is expected that a period of negotiations will then ensue among the state, county and municipal participants, These negotiations will be an attempt to resolve any disagreements, incompatibilities or inconsistencies existing among the cross-acceptance parties.

With the information and resolutions gathered during phases I and H, the State Planning Commission will begin the task of preparing the final draft of the State Development and Redevelopment Plan – phase III of the cross-acceptance process. This "draft final" Plan will be subject to at least six public hearings throughout the State. Based upon the findings of those hearings, the Commission will consider and adopt the State Development and Redevelopment Plan.

It is important to note that the cross-acceptance process does not end even here for it is required by the State Planning Act that the Plan be revised and readopted at least every three years following its original adoption.



# Chapter Two

## The Cross-Acceptance Report

## **2.1 INTRODUCTION**

The purpose of this chapter is to guide official negotiating entities through the first six months of the cross-acceptance process as it relates to the Preliminary State Development and Redevelopment Plan. More specifically, this chapter provides step by step instructions for the preparation of a cross-acceptance report which will be submitted to the State Planning Commission at the end of the six month period commencing with the release of the Preliminary Plan. Subsequent negotiations among the three levels of government and appropriate revisions of the Preliminary Plan will continue beyond this six month period up until thirty days beyond the last public hearing prior to adoption of the final Plan.

The dates and work products found in this chapter are derived for the most part from the State Planning Act (N.J.S.A. 52:18A-196 et.seq.) and the State Planning Rule (N.J.A.C. 17:32). However, certain dates and tasks found in the chapter may be reasonably modified to fit a negotiating entity's particular needs. Before any such modifications are made, the negotiating entity must first check with the Office of State Planning for clarification and approval. All work programs are subject to the approval of the State Planning Commission.

All negotiating entities are eligible for a grant in aid to help offset the costs associated with the preparation of a final cross-acceptance report. Instructions and application forms are not included here but may be obtained separately from the Office of State Planning.

## 2.2 SDEMISSICN OF H33POSEP WGRK IKOC3SM

No later than 45 days after the date of release of the Preliminary State Development and Redevelopment Plan, the county, if it is the negotiating entity, shall submit a proposed cross-acceptance work program to the Office of State Planning. The proposed work program should be based on the recommended work program and schedule found in Part 2.3 of this chapter and is subject to the approval of the State Planning Commission.

In the event that the negotiating entity is an entity other than the county, the negotiating entity shall submit a proposed cross-acceptance work program to the Office of State Planning within thirty (30) days of the date of designation. All other tasks, work products and deadlines shall be the same as those prescribed for the counties.

At a minimum the proposed cross-acceptance work program shall include the following:

- (1) An outline of the negotiating entity's methodology/approach including the nature, format and schedule of municipal meetings;
- (2) A description of a public information program indicating the negotiating entity's expected level of effort to provide an open and informed discussion of the Preliminary Plan. Indicate at a minimum the types of groups targeted (governmental and non governmental) , schedule of meetings, use of various information outlets and any other outreach efforts.
- (3) A time schedule for the completion of tasks and work products;

- (4) An outline of available staff or consultant resources to be committed to the cross-acceptance process. Include percentage of each individual's time and a short description of individual's or firm's expert IBP;
- (5) A request for technical assistance. If applicable, list those areas where it is felt that technical assistance will be required from Office of State Planning staff. Be specific as to type and amount of assistance requested.
- (6) A list of the "official" cross-acceptance representatives designated by each municipality within the county. The official representative (s) should have a strong working knowledge of municipal plans, ordinances and policies especially as they relate to such areas as planning, zoning, administration, housing, capital improvements, parks and recreation and the environment.

### 2.3 REO3MENDEP WCRK PROO^M AND SCHESDIE

The negotiating entity 's cross-acceptance work program is to be based on the six month period commencing on the date of release of the Preliminary State Development and Redevelopment Plan (Day 1). Certain taste may be rearranged or modified to meet a particular county's situation.

<u>TASK/KDRK PRODUCT</u>	<u>CUE AT OFFICE OF STATE PLANNING</u>
1. <u>Notice of Participation or Waiver</u> - A model resolution is supplied for the governing body's adoption.	No later than Day 45
2. <u>Proposed Work Program</u> - As outlined in Part <b>2.2</b>	No later than Day 45 (No later than 30 days after designation of alternate negotiating entity)
3. <u>Inventory Appropriate Data</u> -Collection and analysis of municipal and county master plans, regulations, studies and applicable documents. Note problem areas in terms of data availability.	(no product required)

- |  |   |
|--|---|
| 4. <u>County-Wide Public Information Meetings</u> -One or more meetings co-hosted by the county and the State Planning Commission where the Office of State Planning presents the Preliminary State Development and Redevelopment Plan to the constituent municipalities and the public. . .   | At least one between Day 45 and Day 90. Schedule to be prepared by the Office of State Planning and transmitted to the negotiating entity no later than Day 15. |
| 5. <u>Review of Preliminary Plan Maps</u> -Following the instructions in Part 2.5, Section IV, review and propose revisions to the Preliminary Plan Maps supplied by the Office of State Planning. Distribute the proposed revisions to the office of State Planning, the subject county if it is not the negotiating entity and municipalities. She maps must also be made available to the public. | No later than Day 120   |

6. Prepare Draft Cross-Acceptance No later than Day

Report - 150

Prepare and distribute to the Office of . "

State Planning, the subject county if it is

not the negotiating entity, and

municipalities, and make available to the

public, a draft of the complete cross-

acceptance report, Part 2.5, Sections I - V

(including all maps). Municipalities are to

be reminded at this time, by the negotiating

entity, of their right to file a dissenting

report (in the form outlined in Part 2.5,

Section V) with the State Planning Commission.

At least one public hearing should be held on

the draft report.

7. Final Cross-Acceptance Report -

No later than Day

The final cross-acceptance report, 180  
prepared in accordance with Part 2.5 of this  
chapter, is authorized for transmittal by  
resolution of the county governing body (if the  
county is the negotiating entity) and is submitted  
to the State Planning Commission, the subject  
county if it is not the negotiating entity,  
municipalities and appropriate regional agencies.  
The final report shall also be made available to  
the public. If the negotiating entity is an entity  
other than the county, authorization to transmit  
the final cross-acceptance report to the State  
Planning Commission shall be given by the entity's  
own board or decision-making body, as established  
at the time they are designated the negotiating  
entity.



RECOMMENDED NEGOTIATING ENTITY WORK SCHEDULE

	45	90	120	150
f ation r	o County-Wide Public Information Meetings	o Review of Preliminary Plan Maps	o Draft Cross- Acceptance Report	o Final Cross- Acceptance Report
on of Work			o Public Hearings on Draft Report	o County Resolution of Transmittal (if Negotiating Entity)
y of lity/County lans, ons, s.				o Submit Final Cross-Acceptance Report to State Planning Commiss County (if not Negotiating Enti and Municipaliti

## **2.4 INSTRUCTIONS FOR COMPLETING THE**

### **CROSS-ACCEPTANCE REPORT**

#### **GENERAL**

##### Agreement. Compatibility. Consistency

The cross-acceptance report requires a comparison of municipal and county plans and regulations with the goals, objectives, strategies, policies and standards found in the Preliminary State Development and Redevelopment Plan. The negotiating entity must determine the degree of agreement, consistency or compatibility that exists among the three levels of government.

The terms agreement and disagreement apply at the levels of goals, objectives and strategies and are to be used in their common understanding. For example: Do you agree or disagree with Goal 2, that adequate public services should be provided at a reasonable cost?

The terms consistent and inconsistent, compatible and incompatible apply at the policy and standard levels. For purposes of this report, "consistency"<sup>11</sup> means that a policy or standard in a municipal, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan. "Compatibility" means that a policy or standard in a municipal, county or regional plan or regulation is equally effective as the policy or standard contained in the

Preliminary Plan in achieving the pertinent State goal, objective or strategy\* therefore, a local plan or regulation can be inconsistent—for example, a lesser or greater set back requirement from a water body than that recommended by a standard in the Preliminary Plan—yet be compatible if the requirement found at the local level can be shown to achieve the policy to establish a stream corridor buffer area, the strategy for maintaining the integrity of stream corridors, the objective of protecting the quality of water resources and the goal of protecting natural resources.

Although the issue of a particular plan's or regulation's consistency or compatibility is subject to negotiation, the final decision will be made by the State Flaming Commission.

#### Non-Applicability

There may be some instances where a State strategy, policy or standard is not applicable at the municipal or county level. This may be the result of a state policy that: (a) requires an action that is beyond the authority of a local government (such as an action that would be within the jurisdiction of a State agency); (b) pertains to a tier that is not present in the subject municipality or county; or (c) pertains to a condition or situation that does not exist in the subject municipality or county (such as coastal issues or scenic corridors). These strategies, policies and standards may be omitted from or included and commented on in the cross-acceptance report at the option of the negotiating entity. All goals and objectives are to be covered in the cross-acceptance report.

Non-applicable items should not be confused with those which are simply not addressed at the local level due to a present lack of State enabling legislation or because the local government has failed in the past to address these issues. These strategies, policies and standards are to be discussed in the cross-acceptance report as provided for in the instructions.

### Sources

All determinations of agreement, consistency or compatibility are to be based on documentable sources. However, there may be cases where municipal or county sources are internally inconsistent. In those cases, the source of greatest authority, such as an ordinance or regulation versus a plan or policy statement, shall determine the municipal or county relationship to the State Plan. Where no one source outweighs another each source must be compared to the State Plan individually.

Throughout this manual the term "municipal/county plans and regulations" is used. This term is meant to be understood in its broadest sense and may include in addition to "plans and regulations," ordinances, maps, policy statements, programs, codes and any other appropriate document which would indicate a municipality's or county's relationship to the provisions of the State Plan.

### Deadlines and Distribution

The Preliminary Plan Map Analysis, Section IV of the report, should be completed by Day 120 of the 180 day process. A draft of the entire cross-acceptance report, Section I - IV, should be completed by Day 150 with the final report completed by day 180, the end of the six month process. All three documents; the map analysis, the draft report and the final report are to be submitted by the appropriate deadline to the Office of State Planning, the subject county (if it is not the negotiating entity) and every municipality within the county. In addition, all documents must be made available to the public.

If an individual municipality chooses to submit a dissenting report (Section V), it must do so not later than 30 days after the negotiating entity files its report. The municipal report is to be filed with the Office of State Planning and the negotiating entity and be made available to the public.

### Transmittal to the State Planning Commission

The final reports of each negotiating entity shall not be filed with the State Planning Commission until the county governing body, if the county is the negotiating entity, or the appropriate decision-making body has authorized the transmittal of the filial report at a public hearing.

Individual municipal reports should likewise be approved by the municipal governing body.

## **REPORT OUTLINE**

The cross-acceptance report has four basic sections: Summary, County Analysis, Municipal Analysis and Preliminary Plan Map Analysis. A fifth section pertains to the optional "dissenting" report which may be filed by a municipality.

### Section I. SUMMARY

- A. Narrative
- B. Checklist
  - 1. Summary Checklist A
  - 2. Summary Checklist B
- C. Recommendations

### Section II. COUNTY ANALYSIS

- A. Narrative
- B. Sources
  - 1. Agencies/Individuals
  - 2. Materials/Documents
- C. Checklist
  - 1. County Checklist A
  - 2. County Checklist B
- D. Areas of Disagreement, Inconsistency or Incompatibility

Section HI. MUNICIPAL ANALYSIS

(one for each municipality)

- A. Narrative
- B. Sources
  - 1. Agencies/Individuals
  - 2. Materials/Documents
- C. Checklist
  - 1. Municipal Checklist A
  - 2. Municipal Checklist B
- D. Areas of Disagreement, Inconsistency or Incompatibility

Section IV. PRELIMINARY PLAN MAP ANALYSIS

- A. Narrative
- B. Maps

Section V. INDIVIDUAL MUNICIPAL REPORTS

(prepared by dissenting municipality)

## **THE REPORT**

### Section I. SUMMARY

- A. Narrative - Provide a general description of the - overall agreement/disagreement and compatibility/incompatibility of the county and municipal plans and regulations with each other and with the Preliminary State Development and Redevelopment Plan. The narrative should describe any unique conditions in the county which would affect the future implementation of the State Development and Redevelopment Plan and specific problems encountered during the cross-acceptance process. The narrative should also summarize any public comments received by the negotiating entity during the cross-acceptance process. Include any written public comments as an attachment along with any responses made by the negotiating entity.
- B. Checklist - Complete Summary Checklists A and B, indicating the county's and each municipality's agreement or disagreement with the listed state goals, objectives and strategies and their compatibility or incompatibility with the listed state policies and standards. Instructions are found on the back of each checklist.



C. Recommendations - Summarize recommendations resulting from the cross-acceptance process. Recommendations can take the form of proposed changes in the State Plan, proposed legislation or programs, or proposals for future studies. Include a discussion of each of the "Planning Issues" found in Chapter Four, Volume I of the Preliminary Plan.

Section. II. COUNTY ANALYSIS

- A. Narrative - Provide a description of the overall agreement/disagreement and compatibility/incompatibility of the county plans and regulations with the Preliminary State Development and Redevelopment Plan.
- B. Sources -
  - 1. Agencies/Individuals:  
Provide a list of all county agencies and individuals, including names and titles, consulted during the cross-acceptance process.
  - 2. Materials/Documents:  
Provide a list of all materials and documents, with appropriate dates of adoption or publication, utilized in the preparation of this report.
- C. Checklist -  
Complete County Checklists A and B, comparing county plans and regulations to the Preliminary State Development and Redevelopment Plan.  
Instructions are found on the back of each checklist.

## **A.2 GLOSSARY**

D. Areas of Disagreement. Inconsistency or  
Incompatibility

1. In regard to the goals, objectives and strategies contained in the Preliminary Plan and listed on the County Checklists, provide a full discussion of any disagreement, the nature of the disagreement and recommendations for modification of the State *and/or* County plans. Identify any additional goals, objectives or strategies which should be included in the State Plan.
2. In regard to the policies contained in the Preliminary Plan and listed on County Checklist B, provide a full discussion of any inconsistencies between the policies of the Preliminary Plan' and provisions of county plans and regulations, indicating whether:
  - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the county plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan; or

- b. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or
  - c. Compatibility should be achieved through modification of county plans or regulations; or
  - d. Compatibility should be achieved through modification of both the Preliminary Plan and county plans.
- 3. In regard to the standards contained in the Preliminary Plan, and listed on County Checklist B, provide a full discussion of any inconsistencies between the standards of the Preliminary Plan and provisions of county plans and regulations, indicating \rtiether:
  - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the county plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan; or
  - b. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

- c. Compatibility should be achieved through modification of county plans or regulations;  
or
- d. Compatibility should be achieved through the modification of both the Preliminary Plan and county plans.

### Section III. MUNICIPAL ANALYSIS

H\*EPARE ONE ANALYSIS FOR EACH

MUNICIPALITY IN THE COUNT\*.

- A. Narrative - Provide a description of the overall agreement/disagreement and compatibility/incompatibility of the municipality's plans and regulations with the Preliminary State Development and Redevelopment Plan.
- B. Sources -
  - 1. Agencies/Individuals:  
Provide a list of all municipal agencies and individuals consulted during the cross-acceptance process.
  - 2. Materials/Documents:  
Provide a list of all materials and documents, with appropriate dates of adoption or publication, utilized in the preparation of this report.
- C. Checklist - Complete Municipal Checklists A and B, comparing municipal plans and regulations to the Preliminary State Development and Redevelopment Plan. Instruction are found on the back of each checklist.

D. Areas of Disagreement. Inconsistency or  
Incompatibility

- 1\* In regard to the goals, objectives and strategies contained in the Preliminary Plan and listed on the Municipal Checklists, provide a full discussion of any disagreement, the nature of the disagreement and recommendations for modification of the State anchor municipal plan. Identify any additional goals, objectives or strategies which should be included in the State Plan.
2. In regard to the policies contained in the Preliminary Plan and listed on Municipal Checklist B, provide a full discussion of any inconsistencies between the policies of the Preliminary Plan and provisions of municipal plans and regulations, indicating whether:
  - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the municipal plans or regulations are as effective as the policies contained in the \_ Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan; or



- b. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or
  - c. Compatibility should be achieved through modification of municipal plans or regulations; or
  - d. Compatibility should be achieved through modification of both the Preliminary Plan and municipal plans.
- 3, In regard to the standards contained in the preliminary Plan and listed on Municipal Checklist B, provide a full discussion of any inconsistencies between the standards of the Preliminary Plan and provisions of municipal plans and regulations, indicating whether:
  - a. Notwithstanding the inconsistency, compatibility exists because the provisions of the municipal plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan; or
  - b. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

- c. Compatibility should be achieved through modification of municipal plans or regulations; or
- d. Compatibility should be achieved through modification of both the Preliminary Plan and Municipal plans.

**Section IV.**     HSUMINARY PLAN MRP ANALYSIS

A. Narrative - In regard to the Preliminary Plan Maps, the negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any; findings, recommendations, or objections concerning the tier delineations on the Preliminary Plan Maps from municipal and county planning bodies, identify any inconsistencies between tier delineations and any -maps contained in municipal and county plans and regulations, indicating \tfiether:

1. the inconsistency is the result of a tier delineation which is based upon inaccurate or outdated information and should be resolved by redrawing the tier delineation based upon more accurate and up-to-date information, or
2. consistency should be achieved through modification of tier designation criteria contained in the Preliminary Plan, or
3. consistency should be achieved through modification of maps contained in, or provisions of, municipal or county plans and regulations.

B. Maps - Review the set of Preliminary Plan Maps provided by the Office of State Planning at a scale of 1:24,000 delineating the boundaries of the tiers established and defined in the Preliminary State Development and Redevelopment Plan, verifying the tier descriptions and designation criteria set forth in the Preliminary Plan. Perform the following exercises:

1. If necessary, propose revisions to the tier boundaries based on the discussions in Section IV A. 1, 2 or 3 above. Indicate the proposed revisions in red on the Preliminary Plan Maps.
2. Delineate, on the Preliminary Plan Maps, interim corridor centers and villages based on the criteria found in the Preliminary State Development and Redevelopment Plan.

## **Section V. INDIVIDUAL MUNICIPAL REPORTS**

If a municipality is not satisfied with the cross-acceptance report, in whole or in part, prepared by the negotiating entity, the municipality may file a separate report with the State Planning Commission not later than 30 days after, the negotiating entity files its final report. However, the municipality should notify the negotiating entity and the Office of State Planning as soon as possible of their intention to file a separate report. The report must:

1. Cite specific section (s) of the negotiating entity report with which the municipality disagrees.
2. Provide a full discussion of issues involved and the nature and extent of the disagreement.
3. Cite specific sources of information used to refute the findings of the negotiating entity.
4. Outline the municipality's involvement during the cross-acceptance process and any discussions held with the negotiating entity regarding the section (s) in question.
5. Provide a full discussion of efforts to rectify the disagreement with the negotiating entity and why it was unable to be resolved.

6. Provide suitable maps and graphics where appropriate.
7. Provide a summary of any public comments received by the municipality and the municipality's response. Attach any written public comments.

Municipal reports should be authorized for transmittal to ,  
the State Planning Commission "by the local governing body.

# Appendix

## **A.1 CHECKLISTS**



## **INSTRUCTIONS**

### SttWSKSf **CHECKLIST A**

Column A - list the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate whether county plans and regulations, in general, agree or disagree with the listed goal or objective by placing an "A" (agree) or "D" (disagree) in the appropriate box.

Column C - Use this and each remaining column to list the names of all municipalities within the subject county in alphabetical order across the top row. As in column B indicate whether municipal plans and regulations, in general, agree or disagree with the listed goal or objective.

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DISftGKEEMEHIS IN SBCTTCN U D OF TBE  
CDONIY ANMXSIS OR SBCEECK HI D OF OHE  
MDNICTEAL ANAEESXS.

## Summary Checklist A

### GOALS AND OBJECTIVES

PAGE\_\_OF\_\_

A- Agree  
D- Disagree

County \_\_\_\_\_

A

B, C, —

## P.S.D.R.P. GOALS AND OBJECTIVES

County

NEW JERSEY OFFICE OF STATE PLANNING

**INSTRUCTIONS**  
**SUMMARY CHECKLIST B**

**Column A - List the applicable**

strategies, policies and standards in the same order they appear in the Preliminary State Development and Redevelopment Plan.

fwivnm B - indicate whether county plans and regulations, in general, agree or disagree with the listed strategy by placing an "A" (agree) or "D" (disagree) in the appropriate box. Indicate whether county plans and regulations, in general, are compatible or incompatible with the listed policy or standard by placing an "O" (compatible) or "X" (incompatible) in the appropriate box. If county plans and regulations do not address the listed strategy, policy or standard write "N. AD." in the appropriate box.

**Column C - Use this and each remaining**

column to list the names of all municipalities within the subject county in alphabetical order. As in column B indicate whether municipal plans and regulations, in general: (1) agree or disagree with the listed strategies; (2) are compatible or incompatible with the listed policies and standards; or (3) do not address the strategy, policy or standard.

**PROVIDE A DETAILED DISCUSSION OF  
DISAGREEMENTS AND INCOMPATIBILITIES IN  
SECTION II D. OF THE COUNTY ANALYSIS, OR  
SECTION III D. OF THE MUNICIPAL ANALYSIS.**

## Summary Checklist B

### STRATEGIES, POLICIES & STANDARDS

N.A.D. Not Addressed

N.A.D. Not Addressed

County \_\_\_\_\_

A

## P.S.D.R.P. STRATEGIES, POLICIES AND STANDARDS

County

**B**

C

1

NEW JERSEY OFFICE OF STATE PLANNING

## County Checklist A

## GOALS AND OBJECTIVES

PAGE\_\_OF\_\_

County \_\_\_\_\_

**A**

**B**

[illegible]

## **A.2 GLOSSARY**

## A.2 GLPSSftRg

Compatibility - When a policy or standard in a local, county or regional plan or regulation is equally effective as the policy or standard contained in the Preliminary Plan in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development and Redevelopment Plan.

Consistency - When a policy or standard in a local, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan.

Cross-acceptance - The process of comparing the provisions and naps of local, county and regional plans and regulations with those of the Preliminary State Development and Redevelopment Plan and the dialogue \*diich occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State plans.

Days - Calendar days, unless otherwise specified.

Final Report - A written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objectives and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

Goal - A described state of affairs to which planned effort is directed. One goal of the plan are general statements of values derived from the State Planning Act of 1986 and public comments.

Negotiating entity - A county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to carry out cross-acceptance and prepare the cross-acceptance report.

Negotiation - The dialogue which occurs among participants during the period of cross-acceptance which could lead to a state of consistency or compatibility in their plans and regulations.

Objectives - A more specific articulation of a goal formulated in a manner which enables it to be the object of action.



Period of Cross-Acceptance - That period of time extending from the date of release of the Preliminary State Development and Redevelopment Plan by the Commission to 30 days beyond the last of the six public hearings held by the State Planning Commission pursuant to the Act.

Policy - A general rule for actions focused on a specific issue, derived from more general goals, objectives and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans, programs, or standards.

Preliminary Plan Map - A graphic depiction of the boundaries of tiers, as defined in the Plan.

Standard - A criterion that defines the meaning of a policy by providing a way to measure its attainment. A standard is specified whenever a particular outcome is desirable or well-established.

State Development and Redevelopment Plan - The document, and all maps, appendices, and other material included by reference adopted by State Planning Commission as its plan for the development and redevelopment of the State, pursuant to its duties set forth in the Act.

Strategy - A general course of action, linking goals and objectives of the Plan with Plan Policies.

Tier - A geographic unit employed by the State Development and Redevelopment Plan to identify specific areas of the State to which strategies, policies and standards in the Plan have applicability.

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## (a)

## STATE PLANNING COMMISSION

## Municipal and County Cross-Acceptance of State Development and Redevelopment Plan

## Adopted New Rules: N.J.A.C. 17:32

Proposed: November 2, 1987 at 19 N.J.R. 1971(b). Adopted: January 30, 1988 by State Planning Commission.

James G. Gilbert, Chairman. Filed: February 25, 1988 as R.1988d.121 with substantive and

technical change\* not requiring additional public notice (see N.J.A.C. 1:30-4.3). Authority:

N.J.S.A. 52:18A-203. Effective

Date: March 21, 1988. Expiration

Date: March 21, 1993.

Notice of the proposed new rules regarding municipal and county cross-acceptance of the State Development and Redevelopment Plan, was published on November 2, 1987 in the New Jersey Register at 19 N.J.R. 1971. In addition, a notice of the proposed new rules, together with a copy of the proposed new rules attached thereto, was mailed to each municipality and county in the State of New Jersey. Both notices invited written comments to be submitted on or before December 2, 1987. The comment period was subsequently extended until December 15, 1987. Eight written comments were received and are available for inspection at the offices of the State Planning Commission at 150 West State Street in Trenton, New Jersey 08625.

## Summary of Public Comments and Agency Responses:

## Subchapter I. General Provisions

COMMENT: One county comment expressed concern that "vertically integrated" plans indicated that county and local plans would be subject to recommendations from regional and state plans. Another county comment expressed concern that the state planning process recognize planners at the local and county level and planners at the state level on an equal basis, and that the process be allowed to work in either direction.

RESPONSE: "Vertically integrated" means that each level of the plan should reflect all other levels of plans and should be compatible. State and regional plans should not be construed as superior to county and local plans. The vertical integration is intended to operate in either direction—from focal to county to regional to state and from state to regional to county to local.

COMMENT: Several commenters stated that public participation should be included, under the section of the rule on "Purpose and Authority." a\* a specific purpose of the rule. One commenter also suggested that municipal government be included as an "early and direct participant in the review and revision" of the Preliminary Plan, and be listed as a key participant throughout the rule.

RESPONSE: The Commission agrees that each of these are important participants in the state planning process, and has amended N.J.A.C. 17:32-1.2(a) to include both municipal and public participation as a specific purpose of the rule along with county participation, as originally written.

COMMENT: One commenter suggested that a definition for "days" be included in the rule, and that it should mean "calendar days" as used by the Municipal Land Use Law and the Procedural Rules of the Council on Affordable Housing.

RESPONSE: The Commission agrees that this is a good suggestion and has incorporated it into the definitions section of the rule with the added note that in some places throughout the rule days may be stated to mean otherwise.

COMMENT: One commenter stated that the definitions of "goal," "objective," "strategy," "policy," and "standard" are confusing, and recommended that an example for each be included in the rule.

RESPONSE: The definitions which appear in the rule are purposely of a general nature because these definitions will remain in effect over the years as each three year revision of the State Development and Redevelopment Plan is prepared. The examples which the commenter proposed will be found in the plan document itself.

COMMENT: Several commenters, although not stated specifically, seemed to be confused over the definition of "compatibility."

RESPONSE: The definition of "compatibility" was missing a few words. The definition should read; "shall mean that a policy or standard

in a local, county or regional plan or regulation is equally effective as the policy or standard contained in the Preliminary Plan in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development Plan. The rule has been amended to reflect this correction.

COMMENT: Two commenters suggested that the definition of "county" be modified to specify that where there is both a county executive and a freeholder board, the county executive should have the responsibility for carrying out the provisions of the State Planning Act. They also stated that other sections of the rule be amended to reflect this intention.

RESPONSE: The definition of county as originally written states that "the county governing body, or executive, as appropriate," would have responsibility for carrying out the requirements of the rule. The intention of the Commission is to allow each county the flexibility to decide how they intend to carry out the state planning process. However other sections of the rule will be amended to reflect the possibility that the county executive may be the appropriate party to take responsibility for the state planning process.

COMMENT: Several commenters raised questions about what an "implementation map" would be and who would be responsible for preparing it.

RESPONSE: Confusion between the "implementation map" and the "plan map," as originally defined in the rule proposal will be eliminated by deleting the term "plan map" and renaming the "implementation map" to "preliminary plan map," which indicates the preliminary nature of the map being prepared. The newly named "preliminary plan" will be prepared by the State Planning Commission and the Office of State Planning in consultation with the counties. Once a generally correct map is prepared it will be the subject of cross-acceptance discussions and will be subject to change based upon those discussions.

COMMENT: Several commenters expressed concern over the amount of time available to complete the cross-acceptance process.

RESPONSE: The definition of "Period of Cross-Acceptance" explains the space of time which will be considered part of the cross-acceptance process, but does not say what must be accomplished during that timeframe. The misconception appears to be that all of the work of cross-acceptance must be completed within a six month timeframe. This is not the case. The major item which must be completed within six months is the county report. The continuing discussions which may occur after the county report is submitted take an additional six to nine months and happen during the "period of cross-acceptance." The definition of the "Period of Cross-Acceptance" should be amended to state that the time extends from "the date of release" of the Preliminary Plan, not the date of receipt. Additionally, the commenters are referred to the definition of cross-acceptance which states that it includes both the comparison of plans which result in a county report as well as the discussions which continue after the report is filed.

## Subchapter 2. Preparation of Preliminary State Development and Redevelopment Plan

COMMENT: One commenter suggested that the title of N.J.A.C. 17:32-2.1, "Functional State Agency Review of a Draft Preliminary State Development and Redevelopment Plan," should be consistent with the text of the subsection which refers to the Draft Preliminary Plan.

RESPONSE: The commission agrees that this is a good suggestion and has amended the title to read: "the Draft Preliminary ... Plan."

COMMENT: Several commenters pointed out that N.J.A.C. 17:32-2.1(a) only authorizes the Office of State Planning to carry out the decisions of the State Planning Commission, but does not direct the Office to perform a specific duty.

RESPONSE: Although the Commission intended its authorization to be mandatory, they appreciate the concerns of the comment and have changed the section to read: "the State Planning Commission shall [authorize] direct the Office of State Planning to ..."

COMMENT: Seven commenters requested that the state agency comments filed with the Office of State Planning in response to the Draft Preliminary State Development and Redevelopment Plan be immediately available to the public.

RESPONSE: The Commission will make copies of comments available upon request as soon as is practicably possible.

COMMENT: Several commenters pointed out that the timetable for functional state agency review and public comments have different starting points. The former begins with "receipt" of the Draft Preliminary State Development and Redevelopment Plan, while the latter begins with the "date of release" of the Draft Preliminary Plan.

RESPONSE: The Commission has amended the rule to consistently refer to the "date of release." All previous references to "date of receipt"

State Planning Commission would be apprised of all of the issues raised by the county reports. Further, the county suggested that the Office of State Planning report not be completed until after receipt of all the individual municipal reports, and that copies of the Office report be lent to each of the counties.

RESPONSE: The Office of State Planning Report, as per N.J.A.C. 1732-3.13(a), will include a summary of the "findings, recommendations and objections contained in the reports of the negotiating entities and municipalities." As such, the report will not be completed until after a thorough review of all the County Final Reports and the individual municipal reports. Each county or negotiating entity, and those municipalities who file an individual report, will receive a copy of the Office of State Planning Report.

COMMENT: One county recommended that a mediation process be established to continue discussions on unresolved issues after the adoption of a final State Development and Redevelopment Plan, and further recommended that a section on conflict resolution be incorporated into this rule.

RESPONSE: The State Development and Redevelopment Plan will be revised every three years and the Commission fully anticipates that once the first State Plan is adopted, work will continue across all levels of planning in order to resolve outstanding issues for the next revision of the plan. Regarding conflict resolution, the process of cross-acceptance itself is a method of conflict resolution. The continuing dialogue is intended to reveal areas of disagreement or conflict and endeavor to resolve them.

COMMENT: One commenter questioned what document or documents would be the issue of the public hearings which will precede adoption of a State Development and Redevelopment Plan.

RESPONSE: The public hearings referred to in the rule, and required in the State Planning Act, N.J.S.A. 52:18A-202(c), will be for the purpose of receiving comments on a draft final plan which is to be prepared and distributed based on the cross-acceptance reports from counties and municipalities.

COMMENT: Two commenters stated that the Commission should consider the Office of State Planning Report on cross-acceptance and the comments received from the public hearings prior to adopting a State Development and Redevelopment Plan. They also asked how much latitude the Commission would have in amending the plan before adoption.

RESPONSE: The Commission will consider the Office of State Planning Report and the comments received at the public hearings prior to adoption of a final State Plan. Since the Commission is the body responsible for preparing and adopting the State Development and Redevelopment Plan, they will have sufficient latitude to make whatever amendments are appropriate based on testimony and cross-acceptance reports.

COMMENT: One county commenter stated that the rule should include procedures governing the review by state agencies of the State Plan and provide for a process to resolve conflicts of policies, programs, and projects between state agencies.

RESPONSE: The State Planning Commission, in addition to being responsible for preparing a State Development and Redevelopment Plan, is also responsible for facilitating cooperation and coordination among state agencies. The Commission, upon receipt of state agency reports will review them and engage in discussions with each of the state agencies toward resolution of any remaining inconsistencies.

This rule is meant to specify how the state planning process will be carried out at the county and municipal level. The Commission recognizes the importance of state agency coordination and expects the state agency review of the Draft Preliminary Plan, and the consequent amendment to the Draft prior to the release of a Preliminary Plan, will serve to avoid confusion about state agency positions during cross-acceptance.

COMMENT: One commenter suggested that the rule be amended to include the policy of the Commission to accept written comments from the public throughout the cross-acceptance process.

RESPONSE: The Commission recognizes the importance of public participation during the cross-acceptance process and encourages members of the public to be part of that process at the local level. However, should the public choose, the Commission will accept written statements throughout the process. A sentence stating this policy has been added to N.J.A.C. 1732-3.8.

COMMENT: Many comments were received regarding whether copies of Commission documents and reports filed with the Commission by state and local agencies would be available to the public.

RESPONSE: The Commission and the Office of State Planning are subject to the "Right-To-Know" Law, N.J.S.A. 47:1A-1 et seq.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks '[thus\*]'; deletions from proposal indicated in brackets with asterisk\* '[thus\*]').

## CHAPTER 32 STATE PLANNING RULES

### SUBCHAPTER I. GENERAL PROVISIONS

#### 1732-1.1 Title and citation

This chapter shall be known and may be cited as N.J.A.C. 1732, "State Planning Rules."

#### 1732-1.2 Purpose and authority

(a) This chapter is adopted by the State Planning Commission pursuant to N.J.S.A. 52:18A-203 in order to establish an orderly and efficient process for the preparation, adoption, and implementation of the State Development and Redevelopment Plan. In support thereof, it is determined that in order to fulfill the purposes and to satisfy the requirements of the State Planning Act, it is necessary and appropriate that:

1. The cross-acceptance process be structured so as to establish vertically integrated and compatible local, county, regional and State plans;

2. A process be established for State agency review of and comment upon the Preliminary State Development and Redevelopment Plan to assure the proper and timely consideration of State functional plans and regulations in the formulation of the State Development and Redevelopment Plan;

3. The counties participate in cross-acceptance and that the State Planning Commission take reasonable steps to ensure county participation;

4. The detail and substance of the Preliminary State Development

and Redevelopment Plan be enhanced by early and direct county, municipal and public participation in the review and revision, if necessary, of the Plan and Implementation maps for the Preliminary State Development and Redevelopment Plan; and

5. The State Planning Commission prepare rules pursuant to authority granted by N.J.S.A. 52:18A-202 and 203 of the State Planning Act, which establishes detailed procedures for the participation of appropriate governmental units at all levels in the formulation and implementation of the State Development and Redevelopment Plan.

#### 1732-1.3 Applicability

This chapter shall apply to all activities and actions of municipal and county governments, the State Planning Commission, State agencies, and any negotiating entity designated by the Commission in the preparation, review and implementation of the State Development and Redevelopment Plan.

#### 1732-1.4 Definitions

The following terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Compatibility" means that a policy or standard in a local, county or regional plan or regulation is equally effective "as the policy or standard contained in the Preliminary Plan" in achieving the pertinent State goal, objective or strategy set forth in the Preliminary State Development and Redevelopment Plan.

"Consistency" means that a policy or standard in a local, county or regional plan or regulation is substantially the same as the policy or standard in the Preliminary State Development and Redevelopment Plan.

"County" means any board, department, division, office, agency or other subdivision of the county duly authorized by the county governing body, or executive, as appropriate, to carry out the requirements of this chapter.

"Cross-acceptance" means the process of comparing the provisions and maps of local, county and regional plans and regulations with those of the Preliminary State Development and Redevelopment Plan and the dialogue which occurs among participants during and after this process to achieve compatibility or consistency between local, county, regional and State plans.

"Cross-Acceptance Manual" means a document prepared by the Office of State Planning for the purpose of guiding negotiating en-

lilies through the cross-acceptance process. The manual shall contain, at a minimum, a prototype work program and schedule, and a final report outline and instruction\*.

"Days" means calendar days, unless otherwise specified.\* "Final Report" means a written statement submitted by the negotiating entity to the State Planning Commission describing the findings, recommendations, objections and other information as set forth in the Cross-Acceptance Manual, resulting from the comparison of plans by the negotiating entity.

"Functional state agency\*\* means the following Departments of the State of New Jersey and any division, office or other subdivision of such Departments:

1. Agriculture;
2. Banking;
3. Board of Public Utilities;
4. Commerce\*, Energy\*, and Economic Development;
5. Community Affairs;
6. Corrections;
7. Defense;
8. Education;
9. Environmental Protection;
10. Health;
11. Higher Education;
12. Human Services;
13. Insurance;
14. Labor.
15. Law and Public Safety;
16. Personnel;
17. Public Advocate;
- 18. State;**
19. Transportation; and
20. Treasury.

"Goal\*\* means a desired state of affairs to which planned effort is directed. The goals of the plan are general statements of values derived from the State Planning Act of 1986 and public comments.

•["Implementation Map" means a graphic depiction of the boundaries of tiers, as defined in the Plan.]\*

"Municipality" means any board, department, division, office, agency or other subdivision of the municipality duly authorized by the municipal governing body, or executive, as appropriate, to carry out the requirements of this chapter.

"Negotiating entity" means a county, or where a county has declined to participate in the cross-acceptance process, some other entity designated by the State Planning Commission to carry out cross-acceptance.

"Negotiation" means the dialogue which occurs among participants during the period of cross-acceptance which could lead to a state of consistency or compatibility in their plans and regulations.

"Objective" means a more specific articulation of a goal formulated in a manner which enables it to be the object of action.

"Period of Cross-Acceptance" means that period of time extending from the date of \*{re<ipt}\* 'release\* of the Preliminary State Development and Redevelopment Plan by the '{negotiating entity}\* •Commission\* to 30 days beyond the last of the six public hearings held by the State Planning Commission pursuant to the Act.

["Plan Map" means that map contained in, or referenced within, the State Development and Redevelopment Plan, or drafts thereof, which describes an appropriate and desirable state of development of New Jersey at some future year.)\*

"Policy" means a general rule for action focused on a specific issue, derived from more general goals, objectives and strategies. Some policies can be implemented directly through institutional procedures or regulations, others require the establishment of more specific and extensive plans, programs, or standards.

•["Preliminary Plan Map" means a graphic depiction of the boundaries of tiers, as defined in the Plan.\*

"Regional" means a geographical area encompassing land in more than one county.

"Regional agency\*\* means an agency •which performs planning for land development for an area of the State encompassing land in more than one county.

"Standard" means a criterion that defines the meaning of a policy by providing a way to measure its attainment. A standard is specified whenever a particular outcome is desirable or well-established.

"State Development and Redevelopment Plan" means that document, and all maps, appendices, and other material included by reference adopted by the State Planning Commission as its plan for the development and redevelopment of the State, pursuant to its duties set forth in the Act.

"Strategy" means a general course of action. Linking goals and objectives of the Plan with Plan-Policies.

"Tier" means a geographic unit employed by the State Development and Redevelopment Plan to identify specific areas of the State to which strategies, policies and standards in the Plan have applicability.

## SUBCHAPTER 2. PREPARATION OF PRELIMINARY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

### 1732-2.1 Functional state agency review of \*f,aj\* \*the\* Draft Preliminary State Development and Redevelopment Plan

(a) At least 90 days prior to the initiation of the cross-acceptance process, the State Planning Commission shall [authorize]\* \*direct\* the Office of State Planning to distribute to each of the functional state agencies at least three copies of the Draft Preliminary State Development and Redevelopment Plan, together with three copies of supporting and background materials.

(b) Within 45 days after [receipt]\* \*the date of release\* of the Draft Preliminary State Development and Redevelopment Plan, each functional state agency shall transmit to the Office of State Planning comments about, and recommendations for amendments to, the Draft Plan.

### 1732-2.2 Public comment on Draft Preliminary State Development and Redevelopment Plan

(a) \*A reasonable supply of\* \*[C]\*\*copies of the Draft Preliminary Plan \*and supporting and background materials\* will be available at the Office of State Planning for 45 days after the date of release, and will be available for inspection and copying thereafter at locations to be determined by the State Planning Commission.

(b) The Office of State Planning shall make at least three public presentations of the Draft Preliminary Plan within 10 working days after "[the date of release of the Draft]" 'adoption of a resolution by the State Planning Commission authorizing release of the Draft\*.

(c) Any written comments and recommendations of the general public on the Draft Preliminary Plan distributed in accordance with N.J.A.C. 17:32-[2.5]"27{1}" shall be submitted to the Office of State Planning no later than 60 days after the date of release of the Draft.

### 1732\*2.3 Approval of the Preliminary State Development and Redevelopment Plan and authorization to transmit for cross-acceptance

(a) As soon as practicable after receiving and considering comments on the Draft Preliminary State Development and Redevelopment Plan, the Office of State Planning shall submit copies of written comments, summaries of public meetings and staff recommendations for revisions to the Draft Preliminary Plan to the State Planning Commission.

(b) The State Planning Commission shall, after due consideration, approve a Preliminary State Development and Redevelopment Plan for cross-acceptance and authorize its transmittal to each county and municipality and to '[others as it deems appropriate.]' 'other interested persons and organizations.\*

## SUBCHAPTER 3. PROCEDURES FOR CONDUCTING CROSS-ACCEPTANCE

### 17:32-3.1 Negotiating entities for county and municipal cross-acceptance

(a) With the distribution of the Preliminary State Development and Redevelopment Plan to the counties and municipalities, the Office of State Planning shall transmit to each county a copy of the

Cross-Acceptance Manual, an application *form* for financial assistance, and a request for either a Notice of Participation or a Notice of Waiver.

(b) Notices of Waiver or Participation shall be transmitted by each county to the Office of State Planning no later than 45 days after [receipt by the county]\* 'release' of the Preliminary State Development and Redevelopment Plan.

1. A Notice of Participation shall be a duly adopted resolution of the governing body authorizing participation of the county in the cross-acceptance process.

2. A Notice of Waiver is a duly adopted resolution of the governing body stating its intent to forfeit and waive its statutory authority to participate in cross-acceptance.

(c) In the event that a county transmits a Notice of Waiver or fails to transmit a Notice of Participation within 45 days after [its receipt]\* 'the date of release' of the Preliminary State Development and Redevelopment Plan, the State Planning Commission shall designate a negotiating entity for cross-acceptance for each such county.

#### 27:32-3.2 Optional joint [municipal]\* 'county' cross-acceptance agreements

The Office of State Planning shall encourage the governing bodies of the counties, especially those located within the purview of an existing regional planning agency or metropolitan planning organization, to enter into intergovernmental agreements for consolidated or coordinated participation in cross-acceptance, if a county notifies the Office of State Planning of that county's desire to enter into such an agreement or to involve a regional planning agency or metropolitan planning organization in cross-acceptance, the Office of State Planning shall provide, at the county's request, technical assistance in the preparation of appropriate intergovernmental agreements and designations of negotiating entities.

#### 17:32-3 J Designation of negotiating entity by the State Planning Commission in lieu of county participation

(a) In the event that a county advises the Office of State Planning that the governing body of the county has determined that the county will not participate in the cross-acceptance process, or fails to respond within the time period specified in N.J.A.C. 17:32-3.1, the State Planning Commission shall designate an appropriate entity to participate in cross-acceptance in the place of the non-participating county, after having first consulted with the entity to be designated and having secured that entity's commitment to participate in the cross-acceptance process.

(b) A county may request designation of a specific entity (including a joint program subject to an intergovernmental agreement) as the negotiating entity for that county within the 45 day notice period in N.J.A.C. 17:32-3.1.

1. The State Planning Commission shall accept the recommendation of the county and designate the recommended entity, unless the Commission finds that the recommended designation would interfere with the practical application of the spirit and intent of the State Planning Act.

#### J7:32-3.4 Cross-acceptance work programs and goals-in-aid

(a) Within 45 days after receipt of the Preliminary State Development and Redevelopment Plan, each county serving as the negotiating entity shall submit to the Office of State Planning a proposed work program and, at the county's option, an application for a cross-acceptance grant-in-aid approved by the governing body.

(b) In the event that the negotiating entity is designated pursuant to N.J.A.C. 17:32-3.3, the negotiating entity shall submit to the Office of State Planning, within 30 days of the date of designation, a proposed work program and, at the entity's option, an officially approved application for a cross-acceptance grant-in-aid.

(c) In the event that the work program submitted to the Office of State Planning is determined to be inadequate in any way by the State Planning Commission, the Office of State Planning shall provide the negotiating entity with work program changes necessary to overcome the inadequacies and to ensure an effective and efficient cross-acceptance process.

#### 17:32-3.5 Municipal participation in the cross-acceptance process

(a) Each municipality in the State shall participate in the cross-acceptance process by:

1. Providing to the negotiating entity the most up-to-date copies of municipal master plans, land development regulations and other information and materials necessary for an effective and efficient comparison of the State Plan with the plans and regulations of the municipality.

2. Participation through official representation at cross-acceptance meetings convened by the negotiating entity.

\*[(b) If a municipality fails to participate, the State Planning Commission shall take whatever steps are appropriate to carry out the provisions of this chapter and N.J.S.A. 52:18A-196 et seq.]\*

#### 17:32-3.6 Public informational meetings in each County in regard to the Preliminary State Development and Redevelopment Plan

No later than 15 days after the distribution of the Preliminary State Development and Redevelopment Plan, the Office of State Planning shall transmit to each county, or the negotiating entity if known, a schedule for joint public informational meetings to be held in each county of the State. These meetings shall be held not less than 45 days and not more than 90 days after the date of distribution of the Preliminary State Development and Redevelopment Plan. The joint informational meetings shall be convened by the negotiating entity\* and shall provide opportunity for the public to ask questions and make comments.\*

#### 17:32-3.7 Technical assistance from Office of State Planning during negotiation of cross-acceptance

(a) During the cross-acceptance process, the Office of State Planning shall provide technical assistance to the negotiating entities in regard to the negotiating entities' review and revision, of any [Implementation]\* 'Preliminary Plan' Maps and in regard to their comparison of goals, objectives, strategies, policies and standards contained in the Preliminary State Development and Redevelopment Plan with those contained in municipal and county plans and regulations.

(b) Technical assistance shall be in the form of the provision of reproducible base maps at a scale of 1:24,000, a cross-acceptance manual, advice and consultation on tier delineation and issues of comparison, and other assistance as may be requested by the negotiating entity which is within the capability and expertise of the Office of State Planning.

17:32-3.8 Public participation in the cross-acceptance process 'Cross-acceptance shall be carried out in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-4 et seq. Due consideration shall be given by the negotiating entity to the desirability of, and the need for, public participation in the process and a plan for public participation shall be included in each negotiating entity's work program. •The State Planning Commission will accept written comments from the public throughout the cross-acceptance process.\*

#### 17:32-3.9 [Preparation]\* 'Review' of [implementation]\*

•preliminary plan\* maps by the negotiating entities during the cross-acceptance process

During the cross-acceptance process each negotiating entity shall review and revise or otherwise complete a set of [Implementation]\* 'Preliminary Plan' Maps at a scale of 1:24,000, delineating the boundaries of the tiers established and defined in the Preliminary State Development and Redevelopment Plan and using the tier descriptions and designation criteria set forth in the Preliminary Plan. •The Preliminary Plan Map will be prepared by the Office of State Planning, on behalf of the State Planning Commission, and made available to each negotiating entity.\*

#### 17:32-3.10 Comparison of the preliminary state development and redevelopment plan with local and county plans

(a) To ensure that the cross-acceptance process achieves maximum consistency and compatibility among all governmental levels, the negotiating entity shall compare municipal and county plans and regulations with the goals, objectives, strategies, policies, standards

and '[Implementation]\* 'Preliminary Plan\* Maps of the Preliminary State Development and Redevelopment Plan.

(b) The negotiating entity shall, taking into account any findings, recommendations, or objections from local and county planning bodies concerning the goals, objectives and strategies contained in the Preliminary Plan, identify areas of agreement and disagreement and, in the event of disagreement, the nature of the disagreement and recommendations for modification. The entity also may identify any additional goals, objectives and strategies which should be included in the State Plan.

(c) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the policies of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the policies of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether

1. Notwithstanding the inconsistency, compatibility exists because the provisions of local and county plans or regulations are as effective as the policies contained in the Preliminary Plan in meeting the goals, objectives and strategies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or

2. Compatibility should be achieved through the modification of the policies contained in the Preliminary Plan; or

3. Compatibility should be achieved through modification of local or county plans or regulations.

(d) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the standards of the Preliminary Plan from local and county planning bodies, identify any inconsistencies between the standards of the Preliminary Plan and provisions of local and county plans and regulations, indicating whether

1. Notwithstanding the inconsistency, compatibility exists because the provisions of the local and county plans or regulations are as effective as the standards contained in the Preliminary Plan in meeting the policies of the Preliminary Plan (see definitions of "consistency" and "compatibility"); or

2. Compatibility should be achieved through the modification of the standards contained in the Preliminary Plan; or

3. Compatibility should be achieved through modification of local or county plans or regulations.

(e) The negotiating entity shall, based on an assessment of municipal and county plans and regulations, and any findings, recommendations, or objections concerning the tier delineations on the '[implementation]\* 'preliminary plan\* maps from local and county planning bodies, identify any inconsistencies between tier delineations and any maps contained in local and county plans and regulations, indicating that:

1. The inconsistency is the result of tier delineation which is based upon inaccurate or outdated information and should be resolved by redrawing the tier delineation based upon more accurate and up-to-date information; or

2. Consistency should be achieved through modification of the tier designation criteria contained in the Preliminary Plan; or

3. Consistency should be achieved through modification of maps contained in, or provisions of, local or county plans and regulations.

#### 17:32-3.11 Negotiating entity reports

(a) Within six months of the date of '[receipt]\* "release' of the Preliminary State Development and Redevelopment Plan, each negotiating entity shall prepare and file with the State Planning Commission » formal report of findings, recommendations and objections concerning the Plan in the form specified by the Office of State Planning in the Cross-Acceptance Manual and any amendments thereto.

(b) The final reports of each negotiating entity shall not be filed with the State Planning Commission until the governing body of each such county\*, or the designated negotiating entity,' shall have authorized the transmittal of the '(Formal]\* 'final' Report'I.J\* '« • public bearing.\*

#### 17:32-3.12 Individual municipal reports in regard to cross-acceptance

(a) If a municipality is not satisfied with the cross-acceptance report, in whole or in part, prepared by the negotiating entity, the municipality may file a separate report in the form specified by the Office of State Planning in the Cross-Acceptance Manual not later than 30 days after the negotiating entity for the county in which the municipality is located files its formal report of findings, recommendations and objections pursuant to N.J.S.A. 52:18A-202. The individual municipal report shall also be filed with the appropriate county or negotiating entity at the same time as it is filed with the State Planning Commission.\*

(b) Should a municipality fail to participate in the negotiation of cross-acceptance and/or fail to file an individual municipal report, the municipality shall be deemed to have concurred and agreed in the final report filed by the negotiating entity and to have waived its statutory right to file a separate report under N.J.S.A. 52:18A-202.

#### 17:32-3.13 Office of State Planning Report on cross-acceptance

(a) As soon as practicable after the deadline for receipt of negotiating entity final reports, the Office of State Planning shall prepare and transmit to the State Planning Commission for its consideration a staff report on cross-acceptance which includes proposed revisions, if any, on the 'Preliminary\* Plan '[and Implementation)' Map'[s]\* and which summarizes the findings, recommendations and objections contained in the reports of the negotiating entities and municipalities in a manner sufficient for the State Planning Commission to effectively and efficiently consider appropriate revisions to the Preliminary Plan.

(b) The report shall include recommendations for amendments to the provisions and maps of the Preliminary Plan and shall describe any provision of existing state law, or the absence thereof, that poses an obstacle to achieving compatibility between state, regional, county and municipal plans.

#### 17:32-3. U Adoption of the State Development and Redevelopment Plan

(a) Upon receipt of the cross-acceptance report required by N.J.A.C. 17:32-3.11, the State Planning Commission shall give due public notice and shall hold no fewer than six public hearings at geographically dispersed sites throughout the State.

(b) As soon as practicable thereafter, the State Planning Commission shall consider and adopt the State Development and Redevelopment Plan.





## STRATEGIES, POLICIES & STANDARDS

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## P.S.D.R.P. STRATEGIES, POLICIES AND STANDARDS

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State Development and Redevelopment Plan. Should the municipality disagree with the final report of the county, or otherwise designated negotiating entity, the municipality may file its own cross-acceptance upon approval provided for in N.J.A.C. 17:32-3.12.

COMMENT: Several commenters stated that the details of the county work program should be specified by the State Planning Commission or the Office of State Planning.

RESPONSE: The Cross-Acceptance Manual will specify what must be included in the county work program.

COMMENT: Several commenters questioned the meaning of "officially approved" application for a cross-acceptance grant-in-aid in N.J.A.C. 17:32-3.4(b).

RESPONSE: The "official approval" in this section refers to approval by the designated negotiating entity. If a county chooses not to participate in the state planning process, the designated negotiating entity will be eligible for the financial assistance which would otherwise be available to the county.

COMMENT: One county questioned the meaning of "official representation" by a municipality regarding its participation in the cross-acceptance process.

RESPONSE: "Official representation" means that the person or persons participating in cross-acceptance discussions or other aspects of the state planning process on behalf of a municipality, as defined in this rule (see definition of "municipality" at N.J.A.C. 17:32-1.X), be recognized by that body as their representative.

COMMENT: Several commenters stated that N.J.A.C. 17:32-3.5(b), which explains that the Commission will "take whatever steps are appropriate to carry out the provisions of this Rule and the Act," was inappropriate language and was unnecessarily threatening. It was suggested that either the steps to be taken be specified or the paragraph be deleted.

RESPONSE: The Commission's intention is not to appear to threaten any party regarding their participation in the state planning process. It is not feasible at this time to know exactly what action or response the Commission may take, thus any listing of possible actions would almost invariably be incomplete and therefore misleading. Based upon the stated situation and the concerns raised by commenters, N.J.A.C. 17:32-3.5(b) has been deleted. The commenters are referred to N.J.A.C. 17:32-3.12(b) which states that if a municipality neither participates in the cross-acceptance process nor files a separate report, they will be deemed to have concurred and agreed in the final report and waiver their right to file a separate report. Additionally, the Commission believes it is unnecessary to make a statement dealing with the steps it may take, since its authority to take appropriate action is implicit in the State Planning Act.

COMMENT: Two commenters suggested that provision should be made for public comments at the public informational meetings to be held in each county following the release of the Preliminary State Development and Redevelopment Plan.

RESPONSE: The Commission fully intends for the public informational meetings to include the opportunity for public comment. A phrase has been added to N.J.A.C. 17:32-3.6 to read: "... and shall provide the opportunity for the public to ask questions and make comments."

COMMENT: Several commenters questioned when, exactly, the Office of State Planning would be providing technical assistance to each county.

RESPONSE: Advice and assistance to county and local planning agencies, as referred to in the State Planning Act, will be provided upon request. Other forms of technical assistance specifically related to the cross-acceptance discussions and other aspects of the state planning process will also be available upon request following the release of the Preliminary State Development and Redevelopment Plan.

COMMENT: Several commenters requested clarification regarding the preparation and availability of a map or maps which would accompany either the Draft Preliminary- or Preliminary State Development and Redevelopment Plan or would be prepared as "factor maps" to the plan map.

RESPONSE: The Draft Preliminary and the Preliminary State Development and Redevelopment Plan will include a preliminary plan map, as defined in the amended definitions section of this rule. Other maps which may be useful to counties and municipalities during the state planning process may be prepared and made available.

COMMENT: Several commenters suggested strengthening the language of N.J.A.C. 17:32-3.8 dealing with public participation in the cross-acceptance process.

RESPONSE: The Commission believes that public participation is very important in the state planning process, however, they further believe that it has been sufficiently provided for throughout the rule. The work programs to be prepared by each county must include provision for public participation, and the Office of State Planning will assist each county in this effort if it is appropriate.

COMMENT: Several commenters stated that the language of N.J.A.C. 17:32-3.9 was unclear as to whether or not the State Planning Commission would be providing a draft map for review and revision by the negotiating entities, and further recommended that the Commission would be the best entity to prepare the initial map which would then be reviewed and revised.

RESPONSE: The Commission will prepare a preliminary plan map which will accompany the Draft Preliminary Plan in draft form, and ultimately will accompany the Preliminary State Development and Redevelopment Plan and will be subject to review and revision as a result of cross-acceptance discussions and the continuing state planning process.

COMMENT: One county commenter stated that discussions with the staff of the Office of State Planning had led him to believe that an unreasonable amount of detail would not be required during the comparison of plans, and that the Cross-Acceptance Manual would provide for this.

RESPONSE: The Cross-Acceptance Manual will specify the level of detail necessary in the comparison of plans. The Commission has endeavored to make the process as simple as possible while maintaining a comprehensive approach. As stated previously, technical assistance and advice will be available from the Office of State Planning.

COMMENT: One county asked for more specificity as to the format and methodology of the County Final Report.

RESPONSE: An outline and a methodology to be utilized in preparing the County Final Report will be included in the Cross-Acceptance Manual.

COMMENT: Two commenters pointed out that the County Report is referred to inconsistently as both a "final" report and a "formal" report.

RESPONSE: The rules have been amended to refer consistently to a "final" report.

COMMENT: Two commenters questioned what action the Commission would take if a county refused to transmit a final report after agreeing to participate in the process.

RESPONSE: The Commission has considered this possibility and should such an eventuality occur, it would initially engage in discussions to determine the reason for the refusal to transmit the document and seek to resolve the problem. The Commission would, of course, expect a county to take whatever action is necessary to carry out its obligation. Additionally, any financial assistance to the county would be withheld until a Final Report had been officially transmitted.

COMMENT: Several commenters questioned the availability of public access to the County Final Reports, Municipal Reports and the Office of State Planning Report on Cross-Acceptance.

RESPONSE: Upon official transmittal of each of these reports to the State Planning Commission, they will become part of the public record and be available upon request.

COMMENT: One county requested that the optional municipal reports be required to be filed with both the State Planning Commission and the appropriate county.

RESPONSE: The Commission agrees that this would be a good course of action and has amended N.J.A.C. 17:32-3.12 to add a sentence which reads: "The individual municipal report shall also be filed with the appropriate county or negotiating entity at the same time as it is filed with the State Planning Commission."

COMMENT: One county commenter stated that 30 days in which to file an individual municipal report would be insufficient time because they would need to review the county report and have an action taken by their own municipal governing body in order to file a report.

RESPONSE: The Commission believes that 30 days should be sufficient time if the municipality has participated in the cross-acceptance process from the beginning. According to the Cross-Acceptance Manual, the county must submit a draft report to each of its constituent municipalities 30 days prior to adopting a Final Report. A municipality should have a good understanding of what the county will be including in its report well in advance of the official transmittal of the Final Report.

COMMENT: One county comment suggested that the Office of State Planning Report on cross-acceptance take the form of a response document, responding to the County Final Reports, in order to ensure the

have been changed to "date of release." The official "date of release" will be established when the Commission passes a resolution to authorize release of the Draft Preliminary State Development and Redevelopment Plan and the Preliminary State Development and Redevelopment Plan.

COMMENT: Several commenters stated that the rule should state clearly that "supporting and background materials" will be available to the public. One commenter suggested that all maps, appendices, and other material included by reference, as per the definition of the State Development and Redevelopment Plan, be made available to the public.

RESPONSE: The Commission has amended N.J.A.C. 17:32-2JU) to make it clear that "supporting and background materials" will be made available to the public along with the Draft Preliminary State Development and Redevelopment Plan. Any additional information or materials which would not otherwise be provided to the state agencies for their review will be available upon request, depending upon the nature of the materials and whether or not they are easily reproduced.

COMMENT: One commenter suggested that copies of the Draft Preliminary State Development and Redevelopment Plan be available from the Office of State Planning for 60 days, as opposed to 45 days.

RESPONSE: Copies of the Draft Preliminary Plan will be available from the Office of State Planning for 45 days, however, additional copies will be available for inspection and copying at other locations, such as State depository libraries, and county administrative offices, after the 45 day period.

COMMENT: One commenter suggested that the rule state where, in addition to the Office of State Planning, copies of the Draft Preliminary State Development and Redevelopment Plan will be available.

RESPONSE: The Commission will announce where copies of the various documents will be available, however, it is not appropriate to attempt to provide a list of possible locations within this rule. The rule will govern the state planning process for the first State Development and Redevelopment Plan and subsequent plans which will be prepared every three years.

COMMENT: Several commenters questioned the purpose of the three public presentations which will coincide with the release of the Draft Preliminary State Development and Redevelopment Plan.

RESPONSE: The primary purpose of the presentations will be to present and explain the Draft Preliminary Plan to members of the public and officials who cannot be present at a Commission meeting when the plan is discussed. Public comments may be taken at these sessions, however, it is anticipated that these public presentations will be most useful as a forum to ask questions and receive clarifications. As noted in N.J.A.C. 17:32-2.2(0), written comments from the public will be taken for 60 days after the release of the Draft Preliminary Plan.

COMMENT: One commenter pointed out that the reference in N.J.A.C. 17:32-2(c) was incorrect.

RESPONSE: The Commission has amended this section to correct the inference, and it now reads: "in accordance with N.J.A.C. 17:32-2L2U)."

COMMENT: One commenter suggested extending the time period for public comment following the release of the Draft Preliminary Plan to 75 days.

RESPONSE: The Commission feels that 60 days is sufficient time for public comment on the Draft Preliminary State Development and Redevelopment Plan. Additional opportunities for public comment will follow when the Preliminary State Development and Redevelopment Plan is released, and the Commission will accept written public comments throughout the state planning process.

COMMENT: Several commenters suggested that the rule specifically state that sufficient copies of the Preliminary State Development and Redevelopment Plan will be available to the public at the time they are available to counties and municipalities.

RESPONSE: The Commission will make the Preliminary Plan available to interested persons upon request. In order to make this clear, N.J.A.C. 17:32-2.3(b) has been amended to read: "... authorize its transmittal to each county and municipality and to other interested persons and organizations."

COMMENT: One commenter suggested that upon release of the Preliminary State Development and Redevelopment Plan public comments be taken again prior to beginning the cross-acceptance process.

RESPONSE: The Commission must be governed not only by the rules which they establish herein, but also by their enabling legislation, the "State Planning Act." The Act specifically states that the six month time period during which counties must prepare reports will begin with the release of the Preliminary State Development and Redevelopment Plan. In addition, the Commission feels that ample opportunity for public comment will be provided throughout the state planning process.

COMMENT: Several commenters stated that the term "due consideration" should be clarified to ensure that it includes revisions to the Draft Preliminary State Development and Redevelopment Plan.

RESPONSE: The Commission feels that "due consideration" clearly states that if revisions are necessary, they will take the appropriate action.

COMMENT: One commenter stated that the rule should include a paragraph which states that the Preliminary Plan will be available until such time as it is replaced by a revised plan.

RESPONSE: The Commission feels that such a paragraph is unnecessary because no limitations on the availability of the Preliminary Plan are included in the rule. Subchapter 5. Procedures for Conducting Cross-Acceptance

COMMENT: Comments from several counties pointed out the need to receive the Cross-Acceptance Manual, which is to be prepared by the Office of State Planning, as soon as possible. One county suggested the manual be made available at the same time as the Draft Preliminary State Development and Redevelopment Plan is sent to the state agencies for review and comment.

RESPONSE: The Cross-Acceptance Manual will be sent to each county and municipality as soon as it is completed. The Commission anticipates the Manual will be available prior to the release of the Preliminary Plan.

COMMENT: Two commenters suggested that the timing for the financial assistance application, coinciding with the delivery of the Preliminary Plan would be too late to enable sufficient time to complete it.

RESPONSE: The Commission does not believe there will be a problem with the completion of a financial assistance application because it will be a simple form. The financial assistance form will not be competitively reviewed, and the assistance itself will be tied to completion of the county cross-acceptance report.

COMMENT: Several counties expressed concern with the 45 day time period in which to complete a notice of participation and a proposed work plan.

RESPONSE: The Office of State Planning will work closely with each of the counties to assist them in completing the requirements of the cross-acceptance process. The timeframe which has been established by this rule is tied to the State Planning Act's requirement that a county cross-acceptance report be completed within six months of release of the Preliminary Plan. The 45 day time frame is also specified within the State Planning Act. "Each county planning board shall, unless it shall notify the Commission in writing within 45 days of the receipt of the preliminary plan that it waives this responsibility. ..." (N.J.S.A. 52:15A-52). Receipt by the counties of the Cross-Acceptance Manual at an early stage should help alleviate the concerns which have been expressed.

COMMENT: One county asked whether a number of public meetings would be specified and who would sponsor them.

RESPONSE: The Commission will require at least two public meetings, the public informational meeting at the beginning of cross-acceptance and the public hearing at which the county final report is considered for transmittal to the State Planning Commission. In addition the work program which the county submits to the Office of State Planning must contain a plan for public participation in the cross-acceptance process. The county will have flexibility in designing a public participation program and may call upon the Office of State Planning for assistance.

COMMENT: One commenter questioned what criteria would be used by the State Planning Commission to choose a "negotiating entity" should a county decide not to participate in the state planning process. They also asked whether any appeal to the Commission's choice of a negotiating entity would be available to a municipality which might be dissatisfied with the designation.

RESPONSE: The Commission will designate a negotiating entity which is suited to carry out the provisions of the state planning process. The State Planning Act states that in the eventuality that a county chooses not to participate, the Commission "shall designate an appropriate entity, or itself, to assume this responsibility." This rule further states in N.J.A.C. 17:32-3.3(b) that the Commission "shall accept the recommendation of the county and designate the recommended entity, unless the Commission finds that the recommended designation would interfere with the practical application of the spirit and intent of the State Planning Act."

An appeal by a municipality of a negotiating entity would be inappropriate because the entity, whether a county or not, will be following the state planning process as set forth in this rule and in the Preliminary

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ODDN1Y CHECKLIST A

Column A - List the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

**Column** B - indicate the source(s) that was used to compare county plans and regulations with the goal or objective listed in column A. The source can be a document, such as a master plan, or an individual, in which case the title and agency must be cited. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section II B.

plans and regulations as expressed by the

**Columns** c and D - Indicate whether county listed source(s) , are in agreement or disagreement with the goal or objective listed in column A by checking the appropriate box.

**DISAGREEMENTS**

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IN SECTTCM n D.

## STRATEGIES, POLICIES & STANDARDS

PAGE \_\_ OF \_\_

**County** \_\_\_\_\_

A

## P.S.D.R.P. STRATEGIES, POLICIES AND STANDARDS

Not Addressed At County Level

C

### SOURCE

Agro

**D**  
**Oleogree**

Consistent

	E	F
Consistent		
Inconsistent		
Correlation		

**F** **G**  
~~istent~~  
**Compatible**  
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**Incompatible**  
**Appr**

Applicable	Appropriate For	Modification Of	Appropriate
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For ✓  
 Appropriation of State Funds  
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 Modification

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Modification of

all of both

NEW JERSEY OFFICE OF STATE PLANNING

# INSTRUCTIONS

## COUNTY CHECKLIST B

Column A - List the applicable strategies, policies and standards in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - check this box if the strategy, policy or standard listed in column A is not addressed by county plans or regulations. If this box is checked skip to columns J, K, and L.

Column C - indicate the source(s) that was used to compare county plans and regulations with the strategy, policy or standard listed in column A. The source must be a document such as a master plan. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section H B.

Columns D and E - Indicate whether county plans and regulations, as expressed by the listed source (s) , are in agreement or disagreement with the strategy listed in column A by checking the appropriate box.

Columns F.G.H and I - Indicate whether county plans and regulations, as expressed by the listed source (s) , are consistent or inconsistent, compatible or incompatible with the policy or standard listed in column A by checking the appropriate box.

Columns J, K and L - If columns B, C, G or I are checked indicated whether the appropriate action for reconciliation would be modification of the state plan, modification of the county plan, or modification of both plans by checking the appropriate box.

## INCOMPATIBILITIES MODIFICATIONS IN SECTION II D.

NOTE: A ( ) indicates a modification of the state plan, a ( ) indicates a modification of the county plan, and a ( ) indicates a modification of both plans.

## GOALS AND OBJECTIVES

County\_\_\_\_\_ Municipality\_\_\_\_\_

## B

D

**Q48**

### SOURCE

[illegible]



**INSTRUCTIONS**  
**MUNICIPAL CHECKLIST A**

Column A - List the goals and objectives in the same order they appear in the Preliminary State Development and Redevelopment Plan.

Column B - Indicate the source(s) that was used to compare municipal plans and regulations with the goals or objective listed in column A. The source can be a document, such as a master plan, or an individual, in which case the title and agency must be cited. Sources can be abbreviated if necessary. A detailed listing of all sources must be supplied in Section III B.

Columns C and D - Indicate whether municipal plans and regulations, as expressed by the listed source(s), are in agreement or disagreement with the goal or objective listed in column A by checking the appropriate box.

**PROVIDE A DETAILED DISCUSSION OF DISAGREEMENTS IN SECTION III D.**

## STRATEGIES, POLICIES & STANDARDS

**County** \_\_\_\_\_

Municipality\_\_\_\_\_

## P.S.D.R.P. STRATEGIES, POLICIES AND STANDARDS

Not Addressed At  
Municipal Level

### SOURCE

**Agree**

**Disagree**

**Consistent**

inconsistent

**G**  
**Compatible**  
**Incon**

Appropriate

**Appropriation Of State**

Date Filed \_\_\_\_\_  
 For \_\_\_\_\_  
 Division Of Municipal \_\_\_\_\_  
 Appropriate For \_\_\_\_\_  
 Modification \_\_\_\_\_

1 of Both

NEW JERSEY OFFICE OF STATE PLANNING

**INSTRUCTIONS**  
**MUNICIPAL CHECKLIST B**

**Column A** - List the applicable strategies, policies and standards in the samp order they appear in the Preliminary State Development and Redevelopment Plan.

**Column B** - Check this box if the strategy, policy or standard listed in column A is not addressed by municipal plans or regulations. *If* this box is checked skip to columns J,K and L.

**Column C** - Indicate the source (s) that was used to compare municipal plans and regulations with the strategy, policy or standard in column A. The source must be a document such as a Transfer plan. Sources can be abbreviated if necessary. A detailed listing of all sources Must be supplied in section HI B.

**Column D and E** - Indicate whether municipal plans and regulations, as expressed by the listed source(s) , are in agreement or disagreement with the strategy listed in column A by checking the appropriate box.

Columns F,G,H. and I - Indicate whether municipal plans and regulations, as expressed by the listed source(s) , are consistent or inconsistent, compatible or incompatible with the policy or standard listed in column A by checking the appropriate box.

Column J,K and L - If columns B,E,G or I are checked, indicate whether the listed appropriate action for reconciliation would be modification of the state plan, modification of the municipal plan, or modification of both plans by checking the appropriate box.

**PROVIDE A DETAILED DISCUSSION OF  
DISAGREEMENTS, INCONSISTENCIES,  
INCOMPATIBILITIES AND PROPOSED  
MODIFICATIONS IN SECTION III D.**